

# District of Columbia Management Plan

## Section 5310 Capital Assistance Program

District Department of Transportation  
Mass Transit Administration

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## **I. PROGRAM GOALS AND OBJECTIVES**

The District of Columbia will strive to ensure that all elderly persons and persons with disabilities will have adequate transportation services through the Section 5310 Program. This goal is consistent with the Program Goal as stated by the Federal Transit Administration (FTA) in Circular 9070.1F, the District of Columbia's Comprehensive Plan, the long-term goals of the D.C. Office on Aging and the D.C. Department of Human Services. The objective of the program is to provide federally funded vehicles to those organizations that are able to maximize the use of vehicles by way of providing needed service for the elderly and disabled. Since the inception of the Section 5310 Program, the District of Columbia has provided 191 vehicles to 46 organizations that provide transportation services to elderly persons and persons with disabilities.

## **II. PURPOSE AND SCOPE**

- A. The purpose and scope of this plan is to set forth in a single document the process by which the District of Columbia Government, through DDOT, provides vehicles to organizations eligible under Section 5310 of the Federal Transit Act. This plan incorporates current statutory and programmatic requirements and includes changes based on the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
- B. The Director, or the Director's designee, may provide vehicle awards to eligible organizations requesting assistance, consistent with program objectives of the Department.
- C. Awards provided under the authority of the Director of DDOT from FTA shall be consistent with the provisions of this plan, which encompasses specific FTA requirements.

## **III. ROLES AND RESPONSIBILITIES**

The District Department of Transportation has been designated the administering agency for the Section 5310 Program. This delegation of authority was set forth a Mayor's Order dated October 23, 2009.

## **IV. ELIGIBLE SUBRECIPIENTS**

Eligible subrecipients include local or neighborhood based nonprofit organizations and religious or charitable organizations. Additionally, eligible subrecipients may include public bodies approved by the District to coordinated services for elderly persons and persons with disabilities. The D.C. Office on Aging is the only public agency to seek approval and apply for vehicles to date.

## **V. SUBRECIPIENT AGREEMENTS AND OTHER REQUIREMENTS**

- A. All applicants who have been awarded a vehicle must agree in writing with all requirements of the law and regulations prior to the release of any federal funds for the purchase of vehicles by the District.

- B. The specific form and content of any subrecipient agreement shall be at the discretion of the Director, or the Director's designee, and may include, but not be limited to, the following:
1. The purpose, amount, and terms of the award, and any special conditions determined to be necessary;
  2. Time of performance and method of payment;
  3. Provisions for reporting to the District;
  4. Provisions for terminating the agreement; and
  5. Any other requirements of the law, regulation, operation or enforcement necessary and appropriate to the provisions of funds.
- C. Once the District has approved the proposal, the subrecipient organization must provide the District with at least 20 percent of the total approved project cost. The Federal Transit Administration will provide no more than 80 percent of the total approved project cost. The use of federal funds for the 20 percent matching share is not permissible.

## **VI. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS**

- A. A Request for Applications (RFA) will set forth eligibility criteria and the weight given to each. The following criteria may be included:
1. The Project's relevance and consistency with other government funded and private transit and paratransit programs;
  2. The transportation needs to be met by the proposed project;
  3. The urgency of these transportation needs and the benefits that will accrue to elderly persons and/or persons with disabilities because of the project;
  4. Experience and past performance of the proposed subrecipient in similar activities;
  5. The degree to which applications reflect cooperative planning and coordination of several organizations, so as to make the most efficient use of available funds;
  6. The financial capability of the applicant to assume full responsibility of the operation, maintenance, and liability insurance coverage of the vehicle(s) provided by the agreement as determined by a signed Project Assurances and Certifications included in the RFA;

7. The applicant's reasonable assurance of the existence of funds for the required matching share of the agreement and the subrecipient's ability to maintain and operate the equipment as well as the ability to provide proper amounts of insurance, as included in the Project Assurances and Certifications and
8. The qualifications and technical capacity of the applicant to provide efficient service. The Grant Program Manager evaluates technical capacity using criteria such as staffing levels, staff training and experience, level of documentation of procedures, ability to submit required reports correctly and on time, ability to maintain project equipment, and ability to comply with FTA state requirements. The Grant Program Manager ensures that subrecipients have the required technical capacity through the grant application as well as site visits.

## **VII. ANNUAL PROGRAM OF PROJECT DEVELOPMENT AND APPROVAL PROCESS**

- A. An RFA is intended to provide instructions for potential subrecipients on how to prepare local project applications. Applications will be mailed to all known prospective grant recipients.
- B. The Grant Program Manager shall establish reasonable time periods for the submission of applications. Applicants will be allowed at least eleven weeks from the published announcement date. Unless otherwise specified the deadline shall be 4:30 p.m. on the due date. Late applications shall be considered only if it can be demonstrated that the application was sent at least five calendar days before the due date, according to the procedures incorporated in the RFA.
- C. The RFA shall describe the District's Section 5310 Program and its scope the range of vehicles to be awarded, a statement explaining the local match required of the applicant, a timetable for the application process, the opening and closing dates for consideration of applications, and any other relevant requirement.
- D. All applications shall be in a form prescribed by the Grant Program Manager which shall include, but not be limited to, the following:
  1. A description of the project to be funded and the amount of funding requested to be completed on the budget form provided in the RFA;
  2. A detailed project justification which states how the project meets needed criteria for assistance;
  3. Signed assurances shall be submitted for the following:
    - a) Nondiscrimination on the Basis of Disability;
    - b) Section 504 of the 1973 Rehabilitation Act;
    - c) Compliance with the Americans with Disabilities Act of 1990;

- d) Compliance with Title VI Civil Rights, and Equal Employment Opportunity regulations;
  - e) Financial and Managerial Capability and
  - f) Certification of Continued Maintenance of Project Equipment.
- E. The Grant Program Manager may conduct a "pre-proposal" orientation for prospective applicants if it appears necessary and useful. The orientation will describe details of the application, the information to be presented, and the manner of presentation to avert unnecessary rejection of applications.
- F. The Grant Program Manager shall review each proposal for completeness and compliance with requirements of the request.
- G. A selection committee will be named which may include departmental personnel who will be involved with the grant program and persons from other District Agencies who are knowledgeable of the Section 5310 grant program. Other District Agencies currently serving on the selection committee are the Department of Human Services and the D.C. Office on Aging. The committee will conduct a review of the applications for consistency with the grant program, any ranking and selection criteria established in the RFA, and shall recommended an agreed upon list of best qualified applications for approval by the Director or the Director's designee.
- H. The Director, or the Director's designee, consistent with the Director's authority, shall make the final decision on application approvals, selecting those applications that best meet the program priorities and selection criteria.
- I. The Grant Program Manager shall notify all applicants in writing, within 30 days, of the final selection of grant recipients. Approvals may be subject to the satisfaction of conditions set forth in the RFA.
- J. The Director, or the Director's designee, may approve a grant for less than the amount requested, by agreement with the grantee.

## **VIII. COORDINATION**

- A. In the Washington, D.C. region, the 5310 programs are administered by the Maryland Transit Administration, the Virginia Department of Rail and Public Transportation, and the District of Columbia Department of Transportation, who are responsible for their respective jurisdictions.

To ensure compliance with SAFETEA-LU requirements, the National Capital Region Transportation Planning Board's Coordinated Human Services Transportation Plan will inform the funding of projects within Maryland, Virginia, and the District of Columbia's 5310 programs. Applications for 5310 funding within the TPB Planning Area should meet a need identified by this Coordinated Plan. The applications submitted to the three states for 5310 funding will be provided to the TPB for evaluation at the same time that other

state agencies are asked to review the applications. To assess the extent to which projects submitted are consistent with the TPB Coordinated Plan, 5310 applications will be evaluated based on competitive selection criteria.

B. The D.C. Department of Motor Vehicles is responsible for:

1. Collecting tag and titling fees from the recipient organization; and
2. Issuing tags, liens and titles for all vehicles purchased with Section 5310 Grant funds to recipient organization.

C. DDOT coordinates with The D.C. Office on Aging and the D.C. Department of Human Services by:

1. Obtaining a list of eligible recipients who are prospective applicants for Section 5310 funds; and
2. Having a representative from these agencies serve on the committee to select the best-qualified applicants.

## **IX. TRANSFER OF FUNDS**

To date, DDOT has not had any surplus Section 5310 funds, which could be transferred to other Federal Transit Administration Programs. Should funds be available for transfer, DDOT would follow Federal Transit Administration guidelines in the transfer.

## **X. PRIVATE SECTOR PARTICIPATION**

Each year, on behalf of the Section 5310 applicants, DDOT publishes an early planning notification. DDOT does this to ensure that each applicant meets the application requirements.

Public and private providers of transit and paratransit services; regional, county and local governments; citizen and consumer groups or individuals, including minorities, the economically disadvantaged, persons with disabilities; and labor organizations are given a fair and timely opportunity to participate in the development of all proposed expanded transportation service.

Public, private, and paratransit operators are offered a chance to participate to the maximum extent feasible in the development of the transportation program, in the provision of any expanded special transportation services for elderly persons and persons with disabilities, and are afforded an opportunity to provide the same type of service that is proposed in an agency's Section 5310 application. This is accomplished through the sign-off process for expansion vehicles.

When requesting expansion vehicles, all public, private and paratransit operators in an agency's proposed service area must be sent a sign-off form by registered mail. The registered mail receipts must be included in an agency's application packet. Each provider has 30 days to respond to the request. Failure of an agency to reply to the request is considered to be a "no objection" to the proposed transportation service.

Each sign-off form requests that any organization making an objection, requesting any restriction or having an interest in providing or participating in the coordination of the proposed service, send a copy of their sign-off to DDOT.

Once DDOT receives a sign-off form, the applying agency is contacted. In the event a private provider has indicated that they can provide the same service, the applicant must examine the feasibility of purchasing transportation services from the private sector. Should private transportation providers raise any objections the applicant will address them during the application process. The selection committee will review all objections to the application/program as well as the applicant's response.

Complaints regarding the involvement of private providers in the local project development process and the provision of services must be submitted in writing to the local applicant from the private operator. The local applicant will arrange a meeting within 15 days after receiving the written comments with the private provider and appropriate local officials to discuss these concerns. This meeting will be open to the public and minutes will be taken. The local applicant will submit his/her decision in writing within 15 days after the meeting. All written comments, correspondence, and meeting minutes must be submitted to DDOT.

The decisions made by the local applicant as a result of this are final; however, the private provider has the right to challenge the decision made by the applicant to DDOT and FTA. Review by DDOT will be limited to violations of applicable State and/or Federal law or regulations and violation of the local applicant's protest procedures or failure to review a complaint or protest. DDOT will not review procedural protests prior to the disposition or complaints at the local level.

FTA will review objections only upon procedural grounds that the local applicant's planning process has not established procedures for the maximum feasible participation of private providers, or that local procedures were not followed, or that the local process does not provide for fair resolution of disputes. FTA will not review procedural protests prior to the disposition of objections at the D.C. and local levels.

## **XI. CIVIL RIGHTS**

Through the DDOT Office of Civil Rights, DDOT seeks to assist minority applicants and those serving minority communities, conducting outreach through the Mayor's Office on African Affairs, the Mayor's Office on Asian and Pacific Islander Affairs, the Mayor's Office on Latino Affairs, and the Office of Human Rights. Translation services and application assistance are both available by request.

Agencies are made aware of their responsibilities under Title VI, EEO, DBE, ADA and Section 504 through the assurances required as part of the application process. Any complaints received by DDOT concerning discrimination are promptly investigated.



A. Title VI

The Grant Program Manager shall forward a one-time submission, as well as updates every three years, describing the State's efforts to assure subrecipients' compliance with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1, "Title VI guidelines for Applicants and Recipients."

The Grant Program Manager shall ensure that District-produced Title VI informative brochures are given to all subrecipients during the award process. These brochures shall be made publicly available by the subrecipient and will also be brought to the site visit by the Grant Program Manager. As stated in the application assurances, the subrecipient is responsible for placing a plaque in each vehicle purchased with 5310 funds describing the rights of citizens under Title VI, whom to contact for additional information on Title VI protections, and how to file a Title VI complaint. During site visits the Grant Program Manager will visually verify that plaques are displayed; subrecipients will be asked if they have ever received a Title VI complaint from an individual and how it was handled. Responses will be documented in the site visit report.

B. DBE

Annually, DDOT will submit a district DBE program covering annual goals as well as all funds received from FTA, including Section 5310. A DBE goal will be included for contracting opportunities if DDOT expects to have more than \$250,000 in contracting opportunities with the FTA funds. On a semi-annual basis, DDOT will submit a report that documents its efforts to meet the goals in the statewide DBE program when contracting opportunities with FTA funds exceed \$250,000, excluding transit vehicle purchases.

C. Americans with Disabilities Act (ADA)

1. All subrecipients must submit as part of their subrecipient application signed assurances of Nondiscrimination on the Basis of Disabilities;
2. Subrecipient applications that do not include assurances of Nondiscrimination on the Basis of Disabilities will be deemed incomplete therefore, ineligible for review processes;
3. Subrecipients will not be able to request non-accessible vehicles with capacity greater than 16 (including the driver).
4. The Grant Program Manager will conduct site visits to ensure subrecipients are implementing required ADA service provisions by reviewing driving training manuals/certifications, passenger literature, etc.

## **XII. STATE PROGRAM MANAGEMENT**

- A. The Grant Program Manager in the Mass Transit Division, DDOT, is responsible for initiating the grant program and managing day-to-day relations with the grantees, including;
1. Preparing and issuing the RFA and managing the selection and award process;
  2. Coordination of grant activities related to federal agencies, other District agencies, and private organizations as needed;
  3. Ensure that appropriate information on the award is distributed to the Office of the Chief Financial Officer and the Office of Contracts and Procurement;
  4. Reviewing and recommending proposed substantive or fiscal amendments to the grant award;
  6. Communicating requirements, regulations, procedures and other information to the subrecipients as needed;
  7. Initiating procurement of vehicles as approved in the grantees' applications;
  8. Monitoring and reviewing Financial Status Reports and the Project Fund Status in the TEAM system on a monthly basis to verify project expenditures are being applied to appropriate grants;
  9. Monitoring and reviewing annual Financial Status Reports to ensure any unliquidated obligations are reported and;
  10. Ensuring compliance with the Americans with Disabilities Act of 1990 by procuring only those vehicles which meet FTA's approval for conditions for compliance with the Americans with Disabilities Act of 1990 and have received approval from FTA in the District's Section 5310 grant application.
- B. The Office of The Chief Financial Officer for DDOT shall be responsible for the financial management of the grant program including:
1. Establishing a budget in the Department's Financial Management System;
  2. Establishing a Revenue Source for each grant to account for all expenditures made for each Section 5310 grant;
  3. Processing all Purchase Orders for procurement of eligible grant item;
  4. Processing all invoices for payment to vendors for delivered grant item;

5. Making requests for reimbursement from FTA for all eligible grants expenditures;
  6. Maintaining accurate accounting records for each Section 5310 grant;
  7. Preparation and submittal to FTA of all required Financial Status Reports; and
  8. Assisting an independent auditor in the annual Statewide Audit for all grants.
- C. The Office of Contracts and Procurement for DDOT is responsible for processing procurement request including:
1. Reviewing purchase requests to assure that they are both accurate and complete;
  2. Forwarding the purchase requests to the Fleet Services Division within the Department of Public Works for development of specifications for vehicles to be purchased;
  3. Preparing bid packages and advertising an "Invitation for Bids" to all known vendors using the vehicle specifications supplied by the Fleet Services Division;
  4. Forwarding all bids received to the Fleet Services Division to ensure that the bids meet the advertised specifications;
  5. Coordinating with the Grant Program Manager to ensure that bids are within the budget constraints of each grant project; and
  6. Awarding all contracts in compliance with FTA Circular 4420.1b, "Third Party Contracting Guidelines," May 5, 1998, and "Buy America Requirements: Surfaces Transportation Assistance Act" of 1982, and the "Americans with Disabilities Act of 1990."
- D. The Fleet Services Division for DPW is responsible for the following:
1. Preparing specifications for vehicles to be purchased with Section 5310 Grant funds;
  2. Reviewing bids received from vendors to assure compliance with vehicle specifications;
  3. Maintaining a list of and verifying that all vehicles required to be tested in accordance with 49 USC Sec. 5323(c) have been tested prior to the District's acceptance of the vehicle;
  4. Inspecting vehicles in pre-award as well as post-delivery audits to assure that vehicle specifications have been met; and

5. Coordinating with the Bureau of Motor Vehicle Services for DPW to transfer the title of the vehicles from DDOT to the recipient organization.
- E. The Grant Program Manager shall submit quarterly Program Status Reports, and the Chief Financial Officer for DDOT shall submit quarterly Financial Status Reports to the FTA Region III Office for all active grants.
- F. The Grant Program Manager shall submit annual program measures, which are based on quarterly reports submitted by subrecipients, into TEAM-Web as part of annual Program Status Reports.
- G. The Grant Program Manager will conduct periodic field inspections of the condition and use of the project equipment.
- H. The Grant Program Manager will submit approval paperwork for submission of annual certifications and assurances to the DDOT Director and Office of General Counsel within 30 days of publication in the Federal Register; final annual certifications and assurances will be submitted within 90 days of their publication in the Federal Register. In addition, the Grant Program Manager will annually review the FTA Assistance Programs and Assurances when published in the Federal Register to ensure that DDOT has obtained all the required certifications from its subrecipients.
- I. The Grant Program Manager will notify the FTA of any revisions to the approved Program of Projects that require prior FTA notification and/or approval. Such revisions include updating Program of Projects, deleting or reducing a project by 10% or \$250,000 and reallocating funds to new projects.
- J. The Grant Program Manager will ensure that all Section 5310 Subrecipients that receive at least \$500,000 in Federal funds submit copies of their A-133 Audits for review. Copies of the A-133 Audits will be requested during the subrecipient's on-site reviews.
- K. Charter Service

FTA grantees are prohibited from using federally funded equipment and facilities to provide charter service except on an incidental basis and when one or more of applicable exceptions for urban areas set forth in the charter service regulation at 49 CFR 604.9 (b) applies. Incidental use may include meal and parcel delivery, restricted client services, and FTA allowable charters. Charter service is an allowable activity on an incidental basis if the applicant successfully completes the charter public notice requirements and no "willing and able" private charter providers are available. Applicants must reference Federal Transit Act, as amended 49 CFR, 604.11(c). Regulation text can be found at the following web address: <http://cfr.vlex.com/source/code-federal-regulations-transportation-1098/page/1>

L. School Bus

No subrecipient shall engage in school bus operations using buses, facilities or equipment funded with federal funds. A subrecipient may, however, use such buses, facilities and equipment for the transportation of school students, personnel and equipment in incidental charter bus operations. Such use of project equipment is subject to part 604 of Federal Public Transit Regulations.

M. Useful Life

Once the useful life has been met, the subrecipient may dispose of vehicles. Minimum useful life is defined as four years or 100,000 miles for vans, station wagons, and sedans, and five years or 150,000 miles for buses, whichever come first. Subrecipients may dispose of vehicles by either a private sale or by auction. Program vehicles do not have to be returned to FTA, regardless of the fair market value at the time the vehicles are sold, so long as the proceeds remain in use for the purpose of mass transit. The Grant Program Manager will notify Fleet Maintenance when to remove the liens from such program vehicles.

N. Grant Closeout

The DDOT Section 5310 grant will be closed out when all equipment listed in the approved Program of Projects is delivered. Project close-out is initiated by DDOT with FTA immediately after all work activities for the program of projects are completed. A final financial status report, a final budget, final milestone report, and revised program of projects will be submitted to FTA at time of close-out. The grantee shall submit all required reports.

1. The closeout of a DDOT Section 5310 grant requires the following action on the part of the Grant Program Manager:
  - a) Rendering to the DDOT Office of the Controller and to FTA an account of funds obligated, expended, and remaining under the grant;
  - b) Obtaining and retaining financial and programmatic records, supporting documents, statistical records, and all other records of a grant award;
  - c) As needed deobligate and reapply for funds if within the period of availability or revise budget to move small remaining balances to state administration, then draw down the funds and
  - d) Submitting a final financial status report and a final budget and revised program of projects to FTA, as required in the grant award.

### **XIII. STATE PROGRAM MEASURES**

#### **A. Evaluation and Monitoring**

Monitoring is necessary to ensure that subrecipients met federal and District requirements. While local grantees are required to sign and submit annual certifications and assurances to DDOT, they are also required to complete quarterly reports detailing program measures and maintenance records, which are sent to the Grant Program Manager. DDOT actively examines all subrecipients to ensure that funds are being used as intended. Monitoring ranges from informal observation and review, to auditing compliance with federal and District requirements, to enforcement of requirements in which a grantee is found to be deficient.

DDOT's reporting system is designed to provide data necessary to evaluate and assess programs individually and in aggregate. These data are evaluated to determine productivity and service standards.

DDOT can invoke a formal probationary period for a provider with productivity, service, or reporting standards which are below average. Failure to improve during the probationary period may result in termination of the agreement between the recipient and DDOT.

#### **B. Site Review**

The Grant Program Manager will conduct on-site review of all Section 5310 recipients per state fiscal year. During these visits the Grant Program Manager will review program statistics, accomplishments, and management, including the subrecipient's maintenance of federally funded vehicles as well as compliance with federal regulations.

1. During site visits the Grant Program Manager will require each subrecipient to provide information pertaining to its Meal Delivery Program (if applicable). Information required will include:
  - a) Description of programs served by use of transportation services.
  - b) How many trips are conducted on a weekly/monthly basis?
  - c) Does the subrecipient provide meal delivery to homebound persons? If yes, how many meal-delivery trips are conducted on a weekly/monthly basis?
  - d) How many meal-delivery and regular service combination stops are conducted on weekly/monthly basis?

- e) What provisions are in place to ensure that service used for meal delivery does not result in a reduction of transportation to passengers?
  - 2. The Grant Program Manager, during its site visits, will require each subrecipient to provide information pertaining to its maintenance program and program measures. As well, the Grant Program Manager will implement the following:
    - a) Will require subrecipients to provide pre-trip and post-trip data records on vehicles indicating daily cycling of wheelchair lifts and maintenance of securement devices.
    - b) Will obtain vehicle information from subrecipients through the Certification of Vehicle Use. Such information will include identification of vehicles, vehicle purpose and if vehicle is still in operation.
    - c) Will conduct site visits to inspect vehicles to ensure proper functioning of wheelchair lifts and maintenance of securement devices. Vehicles will be randomly selected and checked for proper paperwork, which should include manufacturer's maintenance requirements, dates of Preventive Maintenance Inspections, and vendor receipts.
- C. The Grant Program Manager will ensure inclusion of federally required clauses in procurement documents and subrecipients' agreements.
  - 1. The Grant Program Manager will provide the Office Management Services with a copy of all federally required clauses to include in the procurement documents with the program of projects to be procured. The Procurement Specialist in the Office of Contracts and Procurement will provide the Grant Manager a copy of the procurement package for review to ensure all Federal clauses are included in the package. The Grant Program Manager will review the FTA Master Agreement and the FTA Best Practices Procurement Manual prior to submission of Projects to the Office of Management Services.
  - 2. The Grant Program Manager will annually review the FTA Master Agreement and FTA Best Practices Procurement Manual while preparing the subrecipient agreement. The Grant Program Manager will include all required clauses in the subrecipients' agreement the subrecipients' review and acceptance.

- D. The Grant Program Manager will ensure that the Office of Contracts and, with each procurement request or procurement bid, has contractors submit debarment and suspension certifications. A copy of the certification must be on file before a contractor is awarded a contract.

## **XIV. OTHER PROVISIONS**

### **A. Pre-Award and Post-delivery Audits; New Bus Model Testing**

DDOT requires pre-award audits for both Buy America and bid specification requirements. As a portion of the pre-award process, DDOT requires DBE transit vehicle manufacturer (TVM) certifications from manufacturers for purchases of vehicles other than vans, mini-vans, and sedans; certification of Federal Motor Vehicle Safety Standards (FMVSS) is also required. If the District procures more than 10 vehicles from any single vendor, the District will have a resident inspector present at the manufacturer's final assembly location throughout the manufacturing process.

#### **1. Pre-Award**

- a) The Fleet Services Division will review manufacturer's information which should include a listing of proposed bus components and subcomponents that will be used to calculate percent of domestic content, the proposed final assembly location, activities during final assembly and proposed total cost of final assembly.
- b) The Fleet Services Division will review the proposed component and subcomponent listings to verify 60% domestic product content and review the final assembly cost. The Fleet Services Division will also confirm that final assembly location is within the United States.
- c) The Fleet Services Division will complete a pre-award Buy America compliance and TVM certification review
- d) The Fleet Services Division will review solicitations, the bid specifications, and the manufacturer's qualifications. The Division will also complete a pre-award purchaser's requirements certification and file it for future FTA reviews.
- e) The Fleet Services Division will obtain the Federal Motor Vehicle Safety Standards (FMVSS) self-certification sticker information from the manufacturer and complete a pre-award FMVSS compliance certification, which will be filed.



- f) During manufacture and after delivery but before acceptance, the vendor furnishes to the Fleet Services Division documentation proving that 60% of the completed equipment components were domestic, that the equipment's final assembly was in the United States, and that the vehicle did meet the Federal Motor Vehicle Safety Standards.
- g) The Fleet Services Division audits this documentation to ensure compliance and receives and reviews the resident inspector's reports. All documentation, written reports, and certifications are signed, dated, and copies given to the Grant Program Manager. All documentation will then be filed by the Grant Program Manager to be available for review by the FTA.

## 2. Post-Delivery

- a) District will follow the same procedures it did for the pre-award audits; however, it will now certify the actual buses or vans.
- b) If the District procures 10 or fewer vehicles, it will visually inspect and road test the buses at delivery time. As well, the District will conduct the post-delivery federal motor vehicle safety standards certification requirement and filed.
- c) If the District procures more than 10 vehicles from any single vendor, it will send a resident inspector to the manufacturer's final assembly facility and will visually inspect and road test the buses or vans.

## 3. New Model Bus Testing

- a) New bus models must be tested at the FTA sponsored test facility in Altoona, PA before federal funds can be expended to purchase them. The FTA rule exempts certain vehicles from testing (usually sedans and non-modified vans). The primary purpose of the testing program is to determine the strengths and weaknesses inherent in the particular model for typical operating conditions.
- b) When purchasing equipment with federal funds the Fleet Services Division is required to receive the bus test report for each vehicle purchased and include it in procurement files if the test is required. The vendor, prior to the Fleet Services Division signing off, should provide the report on post-delivery certification forms and acceptance of the vehicle(s) from the vendor.

## B. Lobbying

1. Any subrecipient receiving vehicle awards exceeding \$100,000 will have imposed upon it the restrictions on lobbying, and must provide signed certifications.
2. Any contractor of a subrecipient that is awarded a contract exceeding \$100,000 in value, will have imposed upon it the restrictions on lobbying, and must provide signed certifications.
3. Certifications that do not include the proper signatures will be deemed incomplete and therefore, will ineligible for review process.

## C. Drug-Free Workplace

Agencies are made aware of their responsibilities of a Drug-Free Workplace. DDOT will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in a DDOT workplace is prohibited and specifying the actions that will be taken against employees for violation of such prohibition
2. Establishing an ongoing drug-free awareness program
3. Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (1)
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant or cooperative agreement, the employee will abide by the terms of the statement and notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction
5. Notifying the Federal sponsoring agency in writing within ten calendar days after receiving notice under paragraph (4), from an employee or otherwise receiving actual notice of such conviction
6. Taking one of the following actions, within 30 calendar days of receipt of the notice, with respect to any employee so convicted:
7. Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

8. Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency
9. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).